

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NYK BULK & PROJECT CARRIERS LTD.,  
individually and on behalf of M/V OCEAN  
FRIEND (IMO No. 9401829)

14 Civ. \_\_\_\_\_ ( )

Plaintiff,

- against -

O.W. BUNKER USA INC., NUSTAR ENERGY  
SERVICES, INC., HARLEY MARINE GULF,  
INC., ING BANK N.V.

14 CV 10090

Defendants.

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**DEPOSIT ORDER**

Plaintiff NYK Bulk & Projects Carriers Ltd. ("Plaintiff" or "NBP"), individually and on behalf of the M/V OCEAN FRIEND, has brought this maritime action and filed its complaint in interpleader and has requested permission to present its check in the sum of \$398,140.47, payable to the Clerk of this Court, as a deposit into the registry of this Court of property to which Plaintiff disclaims any interest and which is subject to the claims of multiple claimants or third-parties.

NOW, THEREFORE, it is ordered that the Clerk of this Court shall accept the aforesaid check when presented by Plaintiff and shall receive such funds into the registry of this Court for ultimate disposition by order of this Court in the above-styled action; and

IT IS FURTHER ordered that such funds shall be considered the substitute *res* for any *in rem* maritime lien claims against the subject vessel M/V OCEAN FRIEND in this action and that this amount shall constitute sufficient security for such claims pursuant to Supplemental Admiralty Rule E(5)(a), whereas such amount constitutes the principle sum claimed by the

Defendants for the supply of fuel to the M/V OCEAN FRIEND on October 8, 2014, plus 6% interest for one year; and

IT IS FURTHER ordered that if the claims have not been resolved by December 22, 2015, the Plaintiff shall deposit an additional 6% of the principle sum claimed by the Defendants as interest for the following year; and

IT IS FURTHER ordered that upon the ultimate disposition of claims to the deposited funds, any amount remaining in the registry shall be returned to the Plaintiff.

This 23rd day of December, 2014



United States District Judge

